

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

CIVIL CASE NO. 3:08cv472

SPEEDWAY MOTORSPORTS, INC.,)

Plaintiff,)

vs.)

**NATIONAL UNION FIRE INSURANCE)
COMPANY OF PITTSBURGH, PA.,)
and AIG DOMESTIC CLAIMS, INC.,)**

Defendants.)

ORDER

THIS MATTER is before the Court on the Defendants' Motion to Remand [Doc. 6].

The Plaintiff filed this action on September 16, 2008 in the Mecklenburg County General Court of Justice, Superior Court Division, asserting claims for breach of contract, bad faith, and unfair and deceptive trade practices under North Carolina law. [Doc. 1-2]. The Defendants were served with the Plaintiff's Complaint on or about September 17, 2008. [Doc. 1]. On October 14, 2008, the Defendants filed a Notice of Removal based upon the existence of diversity jurisdiction. [Doc. 1].

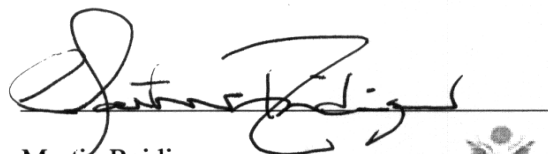
The Defendants now move for remand based upon the fact that this action does not involve complete diversity of citizenship. The Defendants represent in their motion that the Plaintiff consents to a remand. [Doc. 6].

For the reasons stated in the motion, and for cause shown, **IT IS, THEREFORE, ORDERED** that the Defendants' Motion to Remand [Doc. 6] is **ALLOWED**.

IT IS FURTHER ORDERED that this action is **REMANDED** to the Mecklenburg County General Court of Justice, Superior Court Division, with the parties to bear their own costs.

IT IS SO ORDERED.

Signed: November 14, 2008


Martin Reidinger
United States District Judge

